

DR. FLINT SWEARS THAW IS INSANE; PRISONER LAUGHS

Justice Hendrick Questions
Alienist About Woman's
Flagellation Testimony.

"STORY NOT PERJURED,"
REPLY MADE TO COURT

Friends Congratulate White's
Slayer at His Hotel Din-
ner Table.

Harry Thaw spent a happy afternoon at his insanity hearing before Justice Peter A. Hendrick and a jury yesterday laughing at the testimony of the State's chief alienist, Dr. Austin Flint. Between times Thaw looked over an automobile route map in which the best roads to the San Francisco fair were lined in red ink.

After the close of the afternoon session he stood in the center of the main floor of the County Court House rotunda for some time, and the walls of the circle lined several dozen with admirers who wanted to watch Thaw in the momentous act of smoking a cigar.

"Going to dine out to-night, Harry?" a reporter who knows Thaw asked in passing, as the "relator" in the present proceedings stood out in the rotunda with this side looking on open mouthed.

"I'll have to," answered Thaw pleasantly. "It's too late now [4 o'clock] to get anything to eat over at the jail. So I'll have to go to a restaurant some place for dinner."

Mr. Thaw was right. Although he might, if he had insisted, have got the Alimony Club steward to cook up a snack of supper for him over at the Ludlow street jail even at the frightfully late hour of 5:15 P. M. Mr. Thaw, rather than inconvenience the Alimony Club chef, put himself out to the extent of going away up town for dinner.

Friends at His Table.

Toward 6 o'clock Stanford White's slayer wandered into the Park Avenue Hotel and dined, thus saving the Ludlow street jail folks a lot of trouble. While the orchestra was playing and the cracked ice was clinking some old friends of young Mr. Thaw wandered over to his table and shook hands with him. This caused the rest of the dining room to sit up and take notice.

A pleasant time was had by one and all. After dawdling over a demi tasse for some time, however, things began to pull. Wherefore Mr. Thaw finally got up, paid the check and went back by easy stages to his Alimony Club quarters.

His enjoyment of Dr. Flint's answers to questions put by Thaw's chief counsel, John B. Stanchfield, and by Justice Hendrick, who also took part in the cross-examination of the State's chief alienist, was so hearty that Thaw even forgot the cross-country automobile route book which he had been looking over earlier in the day.

He had told reporters at the time the route book was delivered a bit ostentatiously to him during the forenoon session that "if the lawyers leave me any money" he would buy a new car. He turned loose this fair and motor from Pittsburgh to the fair. His close study of the route book map gave the impression that he would not be greatly surprised if he were to be taken to the only lively spot in the morning proceedings, which were mostly devoted to the reading of the White Plains testimony of Evelyn Nesbit, who testified in 1912, happened along when Justice Hendrick took the newspaper men present to task for their accounts of what Justice Hendrick had said on a preceding court day. Friday afternoon Thaw finished his recital from the witness chair of the details of the shooting of Mr. White. The newspaper men had reported that Justice Hendrick had asked the bench that Mr. Thaw had answered the State's question about the shooting "fully and sensibly."

Hadn't Heard Him Right.

Justice Hendrick, after a short recess just before noon yesterday, said that the reporters had not heard him right. A copy from the record of what Justice Hendrick had said yesterday on the subject follows:

"I want to say to the gentlemen of the press that a number of the papers of New York have been sent to me this morning on Friday when Mr. Thaw had answered a question and Mr. Cook (Deputy Attorney-General for the State) had asked him to repeat it. I find that the papers of New York said that I said he had answered the question 'fully and sensibly' and one of them said 'he had answered it sensibly.' I have no objection to the newspaper comments on this trial as far as they are anywhere within the lines of truth, but you gentlemen must not put any idea of the outcome of this trial, based on what they said I had said on the bench, which I had never said and I want to say that that paper is in error. I have never said that I had answered the question 'fully and sensibly' and there it ended."

"You gentlemen probably did not hear the whole thing and you guessed at the rest of it, but you must guess at your own peril—I do not mean you gentlemen personally are here, but I mean your newspaper heretofore and hereafter. I have no objection to the newspaper comments on this trial as far as they are anywhere within the lines of truth, but you gentlemen must not put any idea of the outcome of this trial, based on what they said I had said on the bench, which I had never said and I want to say that that paper is in error. I have never said that I had answered the question 'fully and sensibly' and there it ended."

Quoted Words in Good Faith.

Reported saw Justice Hendrick after the afternoon session and told him that they had in good faith quoted him as saying "fully and sensibly," as that was what they had heard him say on Friday. He said he did not dispute the motives of the newspaper men, but he added that they had got a mistaken notion of what he had said.

The direct and cross-examination of Dr. Austin Flint took up all of the afternoon session. On direct examination by Deputy Attorney-General Cook, who was cross-examined by Dr. Flint, told of his observations of Thaw from the day after the murder in 1906 down to the present time. Thaw, said Dr. Flint, is insane—constitutionally inferior, with paranoiac tendencies. The disease, said Dr. Flint, is incurable and leads to acts of violence, with outbreaks of violence which may extend to murder.

AUGUSTUS THOMAS TO TAKE FROHMAN'S PLACE

Justice Hendrick's Questions.

Justice Hendrick at times during the afternoon interrupted Mr. Stanchfield's cross-examination to put questions himself to Dr. Flint. Here are some of the queries put by Justice Hendrick to Dr. Flint, the questions quoted here being all copied verbatim from the stenographer's record of the session:

"Now, what part of her testimony [the testimony of Susan Merrill, keeper of the Tenderloin house where Thaw is accused of beating young girls with a whip] do you think is true, and what part false? You say part of it is false—what part is true? Is it that part you find necessary to adopt in order to base on it your theory of paranoia? Is that the only part you adopt?"

"It is not," said Dr. Flint, turning about to face Justice Hendrick.

"Now," Justice Hendrick went on, speaking to the witness, "tell us what part of the Merrill woman's testimony you accept as true and what you say is false."

"May I," asked Dr. Flint, "be allowed to give my reasons for the refusal?"

"No," said Justice Hendrick, "give us the facts; tell us what part you say is true and what is false."

Dr. Flint answered that he accepted "as true the testimony about Thaw's flagellation of certain young women there." That part of the testimony, he added, had been corroborated.

"In what way?" asked Justice Hendrick.

"Explains to us what there is in the history of Sadism that makes you accept this Merrill woman's testimony against Thaw as true?"

"What is there in any part of the testimony connected with this case that leads you to believe that part of the Merrill woman's testimony when you reject other parts of her testimony as false?"

Dr. Flint gave his reasons for believing it impossible for her to make up "a perfect history" out of the whole cloth, as shown in the book she had prepared.

Six Years After the Facts.

"Well, that book was written six years after the facts, was it not?" asked Justice Hendrick.

"I don't know," answered Dr. Flint, while Thaw's lawyer, Mr. Stanchfield, stood silently with folded arms and for the court for the time being made the examination.

"Well," Justice Hendrick said, "don't you know as a matter of fact it was written six years after the facts which it purports to relate?"

"I do not," answered Dr. Flint.

"Wait a moment and get my question," Justice Hendrick said shortly after this when another question by Dr. Flint about Mrs. Merrill's testimony.

"What mental process is there which leads you when you state that part of her testimony you regard as perjured—and you have her own affidavit that part which you say you believe is perjured—her own statement, what mental process is there that leads you to use that part of her statement?"

"As forming an opinion," asked Dr. Flint in reply, "in regard to this relator's Sadism?"

"This is her story of it," said Justice Hendrick, according to the record supplied to newspaper men by the court stenographer later, "and what is there to lead you to believe her story of his Sadism when you say that you believe part of her story is perjured, and you have her own affidavit that the part about Sadism is perjured—now what is there?"

Dr. Flint replied that he believed Mrs. Merrill had committed perjury in her affidavit and in her testimony.

Further Reasons Stated.

"Well," persisted Justice Hendrick as Thaw's counsel stood idly by and jury and court room spectators listened intently to the cross-examination of the State's chief alienist, "what is there left—that is, to lead you to believe that portion of her testimony which relates to Sadism?"

"This relator," answered Dr. Flint, "knowing Thaw, has testified that he knew Mrs. Merrill; this relator has testified that Mrs. Merrill has testified that she knew Thaw; this relator has testified that she believed Thaw to be a part of her story of Sadism."

"Then," said Justice Hendrick, while everybody sat up attentively, "it was necessary for you to believe her story in order to make the theory of Sadism for Thaw's case—is that it?"

"It was not," answered Dr. Flint emphatically with a bit of anger in his tones. "I have not said so. I have other reasons."

"What are they?" asked Justice Hendrick.

"The reasons," Dr. Flint replied easily, "are the affidavits of Ruth Lambert made in Paris, which I believe to be true; the other reason is the affidavit of Ethel Thomas with regard to Sadism, which I believe to be true."

It is probable that the cross-examination of Dr. Flint will take up a part of this morning's session, when the hearing is resumed at 10 o'clock. Both sides have hopes of seeing the case go to the jury to-morrow.

356 FOR PLATTSBURG CAMP.

Room for Other Names on Military Training List.

The enrollment of men who will join the military training camp at Plattsburg, N. Y., next month, has jumped in number to 356. There is still room for others between now and August 10, and applications should be made to William C. Hoffman, 15 Broad street.

The Cornell committee, which has charge of the enrolling of Cornell men for the camp, had luncheon yesterday at the Hotel Willard D. Straight, who presided, said afterward that the Cornell committee would be further enlarged.

Among those at present on the committee and attending the luncheon yesterday were J. H. Davis, A. H. Brown, F. W. Morrell, who is the secretary, W. H. Sperry and J. H. Anderson.

The camp is for business and professional men of all sorts, whether or otherwise, from any part of the country. Enrollment and a four weeks vacation, with life out of doors and military training by army officers, costs only \$30 a man.



Billie Burke, who may leave Frohman for the movies.

Playwright Chosen as Art Director of New Organization's Productions.

Augustus Thomas, playwright and one of the most intimate associates of the late Charles Frohman, will take the place of the dead manager in the artistic direction of the Frohman affairs. His selection by the administrators of the estate virtually means that Mr. Thomas will take over all the duties formerly attended to by Mr. Frohman, who rarely if ever had anything to do with the executive management of his business. Mr. Hayman will remain, as has been already announced, the executive and business head of the enterprises with Daniel Frohman.

Mr. Thomas was born in St. Louis, Mo., on January 8, 1859. Originally intended for a railroad career he drifted into newspaper work and became a writer and an artist on several Western papers.

His first head play was "Editha's Burglar" after Frances Hodgson Burnett's novel. It was produced in 1889. He has written nearly 100 plays. Among the best known are "Col. Carter of Cartersville," "Colorado," "Soldiers of Fortune," "Alabama," "New Blood," "The Hoosier Doctor," "The Earl of Pawtucket," "Afterthoughts" and "The Witching Hour."

He is a member of the American Academy of Arts and Letters, the Century Club, the Players Club, the Lambs Club and the Society of American Dramatists and Composers. He made the principal address at the funeral of Charles Frohman last May when he was one of the honorary pallbearers.

Is a Friend of Wilson.

Mr. Thomas is a many-sided man and has acquired fame outside his chosen profession, notably as a public speaker and a politician of no mean repute. He is a personal friend of President Wilson and William Jennings Bryan and could have been the United States Minister to Belgium had he been willing to accept the appointment. He was president of the Progressive Democratic League back in 1908 and Mr. Bryan personally requested that he should be sent to the Denver convention as an alternate from the Springfield, Mo., district. This request, however, was denied. When Mr. Wilson made one of his many noted speeches in New York during his campaign for the Presidency he was introduced by Mr. Thomas. The dramatist presided at many public functions, political and otherwise, and his speeches have always been eloquent and full of meat.

In discussing yesterday with a New York reporter the change, which in many respects one of the most important yet made, Mr. Hayman said:

"When it was decided by the heirs of Charles Frohman to organize a company to perpetuate his name and I was offered the executive management of this organization an overwhelming problem presented itself. I knew, of course, that conducting the business end of the enterprise, as I had been doing for Mr. Frohman for nearly twenty-five years, but I would not undertake the artistic end as well."

A Notable Stage Director.

"While the members of the profession are aware of it the public does not know what a remarkable stage director Mr. Frohman was and what a wonderful help he was to all actors and actresses who came under his personal influence. There are two men whom I consider his equal. David Belasco, of course, but he is unavailable. The other gentleman, my old friend and myself have been trying to persuade for the past six weeks to accept the position with the company that will be known as art-director. It was only to-day that he decided to accept. He is Augustus Thomas. I am sure we are all to be congratulated. Mr. Thomas makes a huge sacrifice in accepting this position, but he does so out of his great friendship for the late Mr. Frohman and the various stars who were under his management, for all of whom Mr. Thomas has the highest personal and professional regard."

The acceptance of the position of art-director for the new Frohman enterprises practically means the passing of Mr. Thomas as an American playwright.

The twelve directors named are those who did not make any settlement at the time Raymond E. Smith, the secretary-treasurer, shipped town. Edward J. Clark, a New York lawyer, who headed the reorganization plan, has instituted the present proceeding.

Depositors Seek to Recover From Trust Co. Directors.

NEWARK, N. J., July 12.—Depositors in the wrecked Roseville Trust Company have sued in the Court of Chancery to recover approximately \$500,000 from twelve of the trust company's directors. The company has been reorganized as the Mutual Bank of Roseville by the depositors. A formal notice was served on the directors last week by the State Commission of Banking, ordering them to contribute to the losses of the company.

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BECKER STATEMENT EXPECTED TO-NIGHT

Story Written in His Own
Hand Edited by Wife
and Lawyers.

COERCION STORY TOLD

Mrs. Charles Becker spent the day yesterday in the office of W. Bourke Cockran and Martin T. Manton, her husband's attorneys, 31 Nassau street, going over with them the first of a series of statements from Charles Becker, written for the purpose of creating a public sentiment in his behalf.

The statement was written by Becker himself, and on Sunday, when Mrs. Becker made her regular weekly trip to Sing Sing, she and Becker spent the day going over it. Mrs. Becker took it to Mr. Cockran in the morning and it was carefully sifted, coordinated and changed to suit their ideas of what should be told in such a statement.

Mr. Cockran will go to Sing Sing on an early train to-day to submit the changes to Becker and receive his approval. It is likely that soon afterward, possibly to-night, the statement will be given to the public.

Just what is in the statement is known only to the principals, and they won't tell. From hints dropped in the past two weeks from several sources it is believed that the series of statements will contain a full history of Becker's life.

He will confess frankly, it is said, that part of his income was obtained in ways unknown to his superiors in the Police Department, but he will argue that this fact does not make him a murderer. Then he will analyze the case against him, from his own point of view, and tell what he says is the full story of his connections with Jack Rose, Bridgie Webber and the others whose stories caused his conviction for first degree murder.

The care with which the statement is being handled at this time indicates that it will be the most able argument in Becker's belief that has been presented to the public.

Witness Coerced, Is Charge.

In connection with the last minute attempts to save the life of the defendant, decreed by Warren Osborne for July 28, a lawyer no longer officially connected with the case told yesterday a story which, if true, would indicate that one of the principal bits of testimony of the second trial was the result of coercion on the part of a member of the Police Department.

It is possible that if Becker's attorneys are able to cause John Doe proceedings, or habeas corpus proceedings, to be taken, the case will be thrown back to the original trial.

The aged mother of Mrs. Oglesby, who has been appointed guardian of the property of the alleged incompetent, was yesterday asked to determine whether a committee should be appointed and whether any of Mrs. Oglesby's property had been dissipated. The committee had been appointed by Judge Beall of Yorkers in April on the application of Dr. Oglesby.

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Questioning Lawyer Menaced.

Mr. White then made his inquiry as to insanity in the family. He said he was going to ask the jury to determine whether the defendant was insane at the time of the murder. When he asked if there had been any prior history of insanity in the family, the defendant's wife, Mrs. Oglesby, said she had been threatened by the physician of the asylum, who had threatened to shake her in the lawyer's face.

The attorney called Dr. Oglesby to the stand, and asked him to testify that he had been threatened by the physician of the asylum, who had threatened to shake her in the lawyer's face.

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WIFE HELD AS MAD DIVIDES OGLESBYS

Congressman Testifies Against
Brother in Court Fight
for Woman.

DOCTOR CALLED VILLAIN

A Sheriff's jury that included Felix Warburg, Henry Seligman and Joseph J. O'Donohue, Jr., listened for three hours yesterday to testimony as to the incompetency of Mrs. Mable Clare Oglesby, who was sent to the Manhattan State Hospital for the insane on the application of her husband, Dr. James Van Pelt Oglesby, brother of Congressman Wilson R. Oglesby of Westchester county. During the hearing much bitterness was displayed against Dr. Oglesby by members of his wife's family. Congressman Oglesby also testified against his brother.

In the course of the stormy proceedings a sister of Mrs. Oglesby exclaimed "you villainous devil!" Dr. Oglesby was testifying. The doctor's attorney, William A. White, was warned by a male adherent of Mrs. Oglesby's family against trying to establish a taint of insanity in the family. The jurors made three attempts to reach an agreement as to charges that part of Mrs. Oglesby's property had been alienated from her, and when they announced that they couldn't reach a decision it was determined to present the testimony to another jury.

Mrs. Oglesby is the daughter of the late Zenas W. Oglesby, banker and railroad builder of Quinlan, Ga., who died last January, leaving an estate of \$420,000, of which the alleged incompetent got one-seventh. Both Dr. Oglesby and his brother, Congressman Oglesby, married daughters of Barker Oglesby. The mental condition of Mrs. Oglesby became a matter of court record when her mother and sister started an inquiry to determine the facts relating to Mrs. Oglesby's commitment to the Ward's Island hospital as a public patient by City Judge Beall of Yorkers in April on the application of Dr. Oglesby.

Attribute Trouble to Husband.

They contended that as Mrs. Oglesby had no income of about \$400 a month her husband at least could have sent her to a private sanitarium. They charged that Mrs. Oglesby's treatment by her husband had caused whatever mental trouble afflicted her, and also alleged that he had got control of a large part of her property before sending her to the asylum. They said that while Dr. Oglesby had represented that his wife was addicted to morphine when he had her committed she took the drug on his advice.

Both Dr. Oglesby and his wife's relatives asked to be appointed committee of the property of the alleged incompetent, but the court refused to do so. They determined whether a committee should be appointed and whether any of Mrs. Oglesby's property had been dissipated. The committee had been appointed by Judge Beall of Yorkers in April on the application of Dr. Oglesby.

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TRADE BOARD TO AID SCRANTON SCHOOLS

Plans for Popular Subscriptions to \$500,000 Fund Will Be Outlined To-day.

SCRANTON, Pa., July 12.—Directors of the Scranton Board of Trade will meet in special session to-morrow to consider a plan for a popular subscription to take up the \$500,000 collateral trust notes of the International Textbook Company, authorized at the annual meeting of the company a little more than two weeks ago. This action follows the refusal of the Scranton banks to take the notes and thereby help the company, which is connected with the International Correspondence Schools.

The meeting was decided upon after the committee named to evolve a plan for raising the money, which had been considered the question of raising the money. While no plan has yet been offered it is more than possible that an appeal will be made to encourage industries to locate in Scranton. Stockholders of this fund have already added two industries, while in addition the textbook company has received \$300,000. In the fund is \$400,000, which the directors have the right to invest in the textbook company, and a 5 per cent. assessment of the stockholders would undoubtedly bring in enough money to more than make up the balance needed in addition to the \$300,000 which the banks are willing to invest in the notes.

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